

HARYANA GOVERNMENT

LABOUR DEPARTMENT

The 25th February, 1987

No. 9/1/87-6Lab./909.—In pursuance of the provision of Section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Ambala in respect of the dispute between the Workman and the Management of General Manager, Haryana Roadways, Yamuna Nagar; (ii) State Transport Commissioner, Haryana, Chandigarh :—

IN THE COURT OF SHRI V.P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT,
AMBALA

Ref. No. 88 of 1984.

SHRI LEKH RAJ WORKMAN, C/O SHRI BALBIR SINGH AND THE MANAGEMENT OF
THE GENERAL MANAGER, HARYANA ROADWAYS, YAMUNA NAGAR;
(II) STATE TRANSPORT COMMISSIONER, HARYANA, CHANDIGARH.

Present : Shri Balbir Singh for workman.

Shri Rama Kant for respondent management.

AWARD

The Hon'ble Governor of Haryana in the exercise of its powers conferred—vide clause (C) of sub-section (i) of section 10 of Industrial Disputes Act, 1947 referred dispute between Shri Lekh Raj and General Manager, Haryana Roadways, Yamuna Nagar etc. to this Court. The terms of the reference are as under:—

Whether termination of services of Shri Lekh Raj is just and correct, if not, to what relief is he entitled?

Workman alleged that he joined service of respondent management on 9th May, 1980 and his services were dispensed with by the respondent management on 17th September, 1983 in violation of provisions of section 25(F) of Industrial Disputes Act, 1947. He prayed for his reinstatement with continuity in service and with full back wages.

Respondent management contested the dispute and contended that workman was appointed for fixed period. His term of appointment was extended from month to month. As soon as the service contract of the workman expired his services automatically came to an end. It was prayed that the claim of the workman is unjust, it be rejected.

On the pleadings of the parties the following issues were framed :—

Issues :

1. Whether termination order, dated 15th September, 1983 is justified; if not, its effect? OPM
2. Relief.

I have heard Shri Balbir Singh for workman and Shri Rama Kant for respondent management and have perused the oral and documentary evidence placed on the file. My issue-wise findings are as under :—

Issue No. 1 :

In support of this issue respondent management examined Shri Ritu Raj, Clerk as MW-1. He stated that workman was appointed for a fixed period on daily wages, month-wise,—vide separate orders. The last order of his term of service was from 2nd September, 1983 to 15th September, 1983. Copy of the same is Ex.M-2. Thereafter his services automatically came to an end. In cross-examination, he stated that he cannot say whether copies of month-wise order of workman's tenure were handed over to workman or not. He also stated that on the expiry of term of service of the workman no notice, no retrenchment compensation was given to him. He admitted that some new hand has been employed in place of workman Shri Lekh Raj.

Shri Lekh Raj workman appeared as AW-1. He stated that he was employed as a Helper on 9th May 1980. Month-wise orders of his appointment were never conveyed to him. On 15th September, 1983 he was removed from service without any notice on the basis of oral orders and no retrenchment compensation was given to him. In cross-examination he denied a suggestion that his appointment was for fixed period.

In view of the above evidence I am of the considered opinion that the service term of the workman as per defence taken by the management expired on 15th September, 1983. On that very date amendment in section 2(oo) i.e. 2(oo) (bb) had not been inserted. It was made most probably in August, 1984. So it has got no retrospective effect because the workman's service contract expired on 15th September, 1983. He served demand notice, dated 3rd November, 1983 and the amendment came into force in 1984. There is a law on this point also i.e. 1986 LAB-I-C 251 para (B) it was observed that amendment to section 2-(oo) came into force in 1984, so this amendment 2(oo) (bb) has no retrospective effect and as such it is not applicable in the present case.

So in view of my above discussion I hold that even if the case of the management is to be accepted as correct. Even in view of the above circumstances that the services of workman came to an end on 15th September, 1983 and he raised demand notice on 3rd November, 1983 while the amendment 2(oo) (bb) came into force in 1984. So it has got no applicability in the case of the workman. So there is clear termination of services of workman in violation of section 25(F). Because before terminating services of the workman respondent-management neither issued any notice, nor any pay in lieu of notice period was paid to him. No retrenchment compensation was given to him. Even the appropriate Authority State Government was also not informed about his termination. So the termination orders regarding service of Shri Lekh Raj were unjust and illegal. He is entitled to reinstatement with continuity in service and with full back wages.

Issue No. 2—Relief

For the forgoing reasons on the basis of my findings on issue No. 1 workman is entitled to reinstatement with continuity in service and with full back wages. I pass award regarding the controversy between the parties accordingly.

V. P. CHAUDHARY,

Presiding Officer,
Labour Court, Ambala.

Dated 5th December, 1986.

Endst. No. 3333, dated the 10th December, 1986.

Forwarded (four copies) to the Financial Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of Industrial Disputes Act, 1947.

V. P. CHAUDHARY,

Presiding Officer,
Labour Court, Ambala.

KULWANT SINGH,

Secretary to Government, Haryana,
Labour and Employment Department.

HOUSING DEPARTMENT

The 4th May, 1985

No. 5/1/87-1Hg.—in exercise of the powers conferred on him under section 24 of the Haryana Housing Board Act, 1971 and all other power enabling him in this behalf, the Governor of Haryana is pleased to sanction the programme to be undertaken by the Housing Board, Haryana, Chandigarh during the year 1987-88.

This programme is published hereunder as required by section 25 of the said Act. Particulars of the new and continued programme to be undertaken by the Housing Board, Haryana during the year 1987-88.

ANNEXURE 'A'

Schedule of Works Expenditure for the year 1987-88

S. No.	Name of Work/ Head	Category of houses	No. of houses	Esti- mated cost	Actual expit. till 3/85	Actual expit. in 85-86	Actual expit. 1-4-86 to 30-6-86	Antici- pated exp. 1-7-86 to 31-3-87	Total achie- vement during 86-87	Total achieve- ment till 86-87	Balance cost (5-11)	Anticir- pared for 87-88
1	2	3	4	5	6	7	8	9	10	11	12	13
1	Continued Sch., Kalka	LIG	132	26.26	23.60	0.34	..	1.82	1.82	25.76	0.50	0.20
		MIG	392	150.31	117.18	7.26	2.80	22.57	25.37	149.81	0.50	0.20
		HIG	148	91.72	60.08	16.08	1.25	13.81	15.06	91.22	0.50	0.20
		HIG(S)	4	5.50	0.88	1.53	0.09	2.70	2.79	5.20	0.30	0.20
		Shopping Booths	11	1.99	1.63	0.05	..	0.31	0.31	1.99	..	..
			687	275.78	203.37	25.26	4.14	41.21	45.35	273.98	1.80	0.80
2	Panchkula Sec. 19	LIG	784	152.46	124.84	8.82	4.54	12.26	16.80	150.46	2.00	1.00
		Shopping Booth	11	2.51	1.61	0.26	0.02	0.62	0.64	2.51	..	..
					795	154.97	126.45	9.08	4.56	12.88	17.44	152.97	2.00	1.00
3	Nangal Sodhian Pinjore Phase-I	LIG	100	16.58	..	10.12	1.01	5.00	6.01	16.13	0.45	0.15
		MIG	94	32.46	3.30	11.46	2.76	14.00	16.76	31.52	0.94	0.24
					194	..	..	..	..	..	..	..
		EWS	44	4.40	..	..	..	3.60	3.60	3.60	0.80	0.80
		Type-I	79	4.19	1.55	0.43	0.43	1.68	2.11	4.09	0.10	0.10
		Type-II	126	6.75	1.97	3.96	0.26	0.50	0.76	0.69	0.06	0.06
		Type-III	63	2.73	0.63	1.88	..	0.15	0.15	2.66	0.07	0.07
					268	67.11	7.45	27.85	4.46	24.93	29.39	64.69	2.42	1.42
4	Ambala City	LIG	495	85.50	8.76	42.48	12.34	21.42	33.76	85.00	0.50	0.20
		MIG	310	106.56	14.90	30.35	7.80	53.01	60.81	106.06	0.50	0.20
		HIG	78	33.47	..	12.77	2.32	18.00	20.32	33.09	0.40	0.27
		EWS	30	3.00	..	..	..	0.72	2.72	0.72	0.28	0.1
					913	228.55	23.66	85.60	22.46	95.15	117.61	226.87	1.68	0.68
5	Kurukshetra Ph-I	HIG	26	18.20	..	..	..	5.46	5.46	5.46	12.74	12.74
		MIG-IIB	40	20.00	..	..	..	17.00	17.00	17.00	3.00	3.00
		LIG	62	12.40	..	..	..	10.54	10.54	10.54	1.86	1.86
					128	50.60	33.00	33.00	33.00	17.60	17.60

1	2	3	4	5	6	7	8	9	10	11	12	13
6 Kurukshetra Ph-II	MIG-IIA	..	22	8-80	..	..	..	7-60	7-60	7-60	1-20	1-20
	MIG-I	..	64	19-20	..	..	..	16-32	16-32	16-32	2-88	2-88
	LIG	..	72	14-40	..	..	..	12-00	12-00	12-00	2-40	2-40
	EWS	..	20	2-00	..	..	..	..	..	..	2-00	2-00
			178	44-40	..	..	..	35-92	35-92	35-92	8-48	8-48
7 Cheeka	LIG	..	36	7-20	..	..	..	6-12	6-12	6-12	1-08	1-08
	MIG-II B	..	14	7-00	..	..	..	5-60	5-60	5-60	1-40	1-40
	HIG	..	14	9-80	..	..	..	7-80	7-80	7-80	2-00	2-00
			64	24-00	..	..	..	19-52	19-52	19-52	4-48	4-48
8 Sonapat	HIG	..	28	19-60	..	..	..	16-66	16-66	16-66	2-94	2-94
	MIG-IIB	..	56	28-00	..	..	..	23-80	23-80	23-80	4-20	4-20
	LIG	..	150	30-00	..	..	..	25-50	25-50	25-50	4-50	4-50
	EWS	..	282	28-20	..	..	..	25-20	25-20	25-20	3-00	3-00
			516	105-80	..	..	..	91-16	91-16	91-16	14-64	14-64
9 Panipat	HIG	..	34	24-00	..	..	..	20-40	20-40	20-40	3-60	3-60
	MIG-IIB	..	56	28-00	..	..	..	23-80	23-80	23-80	4-20	4-20
	MIG-IIA	..	58	23-20	..	..	..	21-00	21-00	21-00	2-20	2-20
	MIG-I	..	160	48-00	..	..	..	40-00	40-00	40-00	8-00	8-00
	LIG	..	327	65-40	..	..	..	55-00	55-00	55-00	10-40	10-40
	EWS	..	109	10-90	..	..	..	..	..	..	10-90	10-90
			744	199-50	..	..	..	160-20	160-20	160-20	39-30	39-30
10 Narwana	EWS	..	26	2-60	..	..	..	..	..	..	2-60	2-60
	LIG	..	61	12-20	..	..	..	1-37	10-37	10-37	1-83	1-83
	MIG-IIA	..	21	8-40	..	..	..	7-14	7-14	7-14	1-26	1-26
	MIG-IIB	..	18	9-00	..	..	..	7-65	7-65	7-65	1-35	1-35
	HIG	..	24	16-80	..	..	..	..	..	..	16-80	16-80
			150	49-00	..	..	..	25-16	25-16	25-16	23-84	23-84
11 Rohtak Ph.III	EWS	..	225	22-50	..	..	..	4-00	4-00	4-00	18-50	18-50
	LIG	..	380	76-00	..	..	..	5-00	55-00	21-00	21-00	
	MIG-I	..	60	18-00	..	..	..	0	15-30	15-30	2-70	2-70
	MIG-IIA	..	104	41-60	..	..	..	12-48	12-48	12-48	29-12	29-12
	MIG II-B	..	42	21-00	..	..	..	6-30	6-30	6-30	14-70	14-70
	HIG	..	30	21-00	..	..	..	6-30	6-30	6-30	14-70	14-70
			841	200-10	..	..	..	8	99-38	99-38	100-72	100-72

1	2	3	4	5	6	7	8	9	10	11	12	13
Faridabad Sector-3	LIG	..	1,932	371.73	62.99	172.29	21.74	105.71	127.45	362.73	9.00	9.00
	MIG	..	528	198.04	6.30	13.39	17.78	125.57	143.35	163.04	35.00	35.00
	HIG-I	..	120	99.68	..	..	..	19.68	19.68	19.68	60.00	60.00
	HIG-II	..	64	70.00	..	..	..	..	..	..	..	..
			2,644	739.45	69.29	185.68	39.52	250.96	296.48	545.45	104.00	104.00
Faridabad Sec-29	MIG	..	86	35.80	10.85	7.11	2.26	15.58	17.84	35.80	..	..
	HIG-I	..	26	18.09	5.60	5.19	2.19	5.15	7.30	18.09	..	..
			112	53.89	16.45	12.30	4.41	20.73	25.14	53.89	..	..
Nuh	LIG	..	20	2.28	0.92	0.59	..	0.77	0.73	2.28	..	..
	HIG	..	8	4.47	1.04	0.74	..	2.69	2.69	4.47	..	..
	MIG	..	20	6.13	0.54	1.00	..	4.59	4.59	6.13	..	..
			48	12.88	2.50	2.33	..	8.05	8.05	12.88	..	..
Gurgaon Sec. -7	LIG	..	334	54.34	..	11.15	8.90	30.00	38.90	50.05	4.29	4.29
	MIG	..	102	34.39	..	3.69	2.61	26.00	28.61	32.30	2.09	2.09
	HIG	..	49	19.99	..	4.67	3.92	10.00	13.92	18.59	1.40	1.40
			485	108.72	..	19.51	15.43	66.00	81.43	100.94	7.78	7.78
Faridabad Sec. 21-C	Type-I		96	48.00	..	..	..	7.20	7.20	7.20	40.80	40.00
	Type-II	..	50	35.00	..	..	..	5.25	5.25	5.25	29.75	29.00
	Type-III	..	30	33.00	..	..	..	4.95	4.95	4.95	28.05	25.00
			176	116.00	..	..	..	17.40	17.40	17.40	98.60	94.00
Gurgaon Chakarpur	EWS	..	260	26.00	..	..	..	22.00	22.00	22.00	4.00	4.00
	LIG	..	178	35.60	..	..	..	..	..	..	35.60	7.20
	Type-I	..	209	104.50	..	..	..	..	..	..	104.50	20.90
	Type-II	..	191	133.70	..	..	..	..	..	..	133.70	26.70
	Type-III	..	173	190.30	..	..	..	..	..	..	190.30	38.00
			1,011	490.10	..	..	..	22.00	22.00	22.00	468.10	96.80
Head Office building at Panchkula	H.O. Building		1	50.00	0.16	..	..	..	..	0.16	49.84	25.00
			1	50.00	0.16	..	..	..	..	0.16	49.84	25.00
Total			2970.85	449.33	367.61	94.98	1023.65	1118.17	1935.57	945.18	540.54	

NEW SCHEMES

[illegible]

1	2	3	4	5	6	7	8	9	10	11	12	13
12. Rozka Meo	..	EWS	183	18.30	..	..	..	..	..	..	18.30	..
		LIG	219	43.80	..	..	..	..	..	..	43.80	6.70
		MIG-I	31	9.30	..	..	..	..	..	..	9.30	6.70
		MIG-IIA	24	9.60	..	..	..	..	..	..	9.60	..
		MIG-IIB	29	14.50	..	..	..	..	..	..	14.50	..
		HIG	29	20.30	..	..	..	..	..	..	20.30	4.00
			515	115.80	..	..	..	..	..	..	115.80	17.40
13. Ferozepur Zirka		LIG	32	6.40	..	..	..	..	..	..	6.40	4.00
		MIG	68	34.00	..	..	..	..	..	..	34.00	28.00
		HIG	8	5.60	..	..	..	..	..	..	5.60	4.00
			108	46.00	..	..	..	..	..	..	46.00	36.00
14. Punhana	..	EWS	156	15.60	..	..	..	..	..	..	15.60	10.00
		LIG	188	37.60	..	..	..	..	..	..	37.60	31.00
		MIG-I	26	7.80	..	..	..	..	..	..	7.80	6.00
		MIG-II-A	26	10.40	..	..	..	..	..	..	10.40	8.00
		MIG-II-B	25	12.50	..	..	..	..	..	..	12.50	10.00
		HIG	24	16.80	..	..	..	..	..	..	16.80	14.00
			445	100.70	..	..	..	..	..	..	100.70	79.00
Total of New Schemes (b)			2164.10	..	..	..	..	..	..	..	2164.10	468.98
Total of continued												
Scheme (a)—New Scheme (f)			5134.95	449.33	367.61	94.98	1037.65	1132.17	1949.57	3185.38	1009.52	

ANNEXURE 'B'

Schedule of expenditure to be incurred on Finalisation of Completed Colonies (in lacs)

Serial No.	Name of work	No. of houses	Estimated cost	Actual expdt. till March 1986	Actual expdt. in 1986-87	Actual exp. 1st April, 1986-87	Anticipated Exp. 1st July, 1986 to 31st March, 1987	Total achievement during 1986-87	Total achievement till 1986-87	Balance cost (5—11) 1987-88	Anticipated for 1987-88	
1	2	3	4	5	6	7	8	9	10	11	12	13
Completed Colonies												
1	Panipat—											
	LIG, MIG, HIG(U) HIG(L)	..	989	267.59	238.25	1.75	..	8.00	8.00	248.00	19.59	19.59
			989	267.59	238.25	1.75	..	8.00	8.00	248.00	19.59	19.59
2	Kurukshetra—											
	MIG, MIG-II	..	70	49.76	48.10	0.02	..	0.64	0.64	48.76	1.00	1.00
			70	49.76	48.10	0.02	..	0.64	0.64	48.76	1.00	1.00

1	2	3	4	5	6	7	8	9	10	11	12	
<hr/>												
3	Karnal—											
	LIG, MIG, HIG, HIG(S)	..	1,509	475.03	368.61	74.37	5.03	13.02	18.05	461.03	14.00	14.00
			1,509	475.03	368.61	74.37	5.03	13.02	18.05	461.03	14.00	14.00
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4	Sonepat—											
	Police Housing 440 Sq f., 350 sft. 600 sf	..	53.57	6.31	34.00	1.43	10.03	11.46	51.77	1.80	1.80	
			53.57	6.31	34.00	1.43	10.03	11.46	51.77	1.80	1.80	
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5	Sonepat-III—											
	LIG, MIG, HIG (U), HIG (L)	..	359	75.84	74.83	0.01	..	1.00	1.00	75.84
			359	75.84	74.83	0.01	..	1.00	1.00	75.84
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6	Rural Housing Karnal Division											
		33.15	25.59	2.36	0.02	2.18	2.20	29.15	4.00	4.00
		33.15	24.59	2.36	0.02	2.18	2.20	29.15	4.00	4.00
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7	Rohtak Ph-I—											
	EWS, MIG, LIG	..	317	49.54	49.34	0.20	0.20	49.54
			317	49.54	49.34	0.20	0.20	49.54
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8	Rohtak Ph-II—											
	EWS, MIG-A, MIG-B, LIG	..	298	52.91	52.41	0.50	0.50	52.91
			298	52.91	52.41	0.50	0.50	52.91
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9	Hissar Ph-I—											
	EWS, LIG, MIG-A, MIG-B	..	106	7.95	7.75	0.20	0.20	7.95
			106	7.95	7.75	0.20	0.20	7.95
<hr/>												
10	Sirsa Ph-I—											
	EWS, LIG, MIG-A, MIG-B	34.19	33.08	0.11	..	1.00	1.00	34.19
			..	34.19	33.08	0.11	..	1.00	1.00	34.19
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11	Bhiwani—											
	EWS, LIG, HIG	59.66	58.66	1.00	10.00	59.66
			..	59.66	58.66	1.00	1.00	59.66
<hr/>												
12	Adampur —											
	LIG	..	97	23.77	20.82	1.80	..	1.15	1.15	23.77
			97	23.77	20.82	1.80	..	1.15	1.15	23.77
<hr/>												
13	Jind Ph-II—											
	EWS, LIG, MIG-A, MIG-B	..	235	19.90	19.22	0.18	..	0.50	0.50	19.90
			235	19.90	19.22	0.18	..	0.50	0.50	19.90

1	2	3	4	5	6	7	8	9	10	11	12	13
14	Hissar Ph-I—											
	LIG, MIG, HIG-I, HIG-II	..	768	310.29	284.34	3.35	0.30	17.30	17.60	305.29	5.00	5.00
			768	310.29	284.34	3.35	0.30	17.30	17.60	305.29	5.00	5.00
15	Hissar Ph-III—											
	LIG, MIG, HIG	..	669	161.25	22.11	77.03	15.81	41.30	57.11	156.25	5.00	5.00
			669	161.25	22.11	77.03	15.81	41.30	57.11	156.25	5.00	5.00
16	Sirsa Ph-II—											
	LIG, D/S, LIG S/S, MIG D/S, MIG S/S		621	133.87	41.72	54.40	9.63	24.12	33.75	129.87	4.00	4.00
			621	133.87	41.72	54.40	9.63	24.12	33.75	129.87	4.00	4.00
17	Sirsa (Police Hsg.)—											
	Type-I, II, III, IV	..	94	51.00	26.87	6.52	0.05	15.56	15.61	49.00	2.00	2.00
			94	51.00	26.87	6.52	0.05	15.56	15.61	49.00	2.00	2.00
18	Rural Housing of various villages as Hissar Division	..	..	57.64	49.32	5.32	..	3.00	3.00	57.64	..	..
			..	57.64	49.32	5.32	..	3.00	3.00	57.64	..	..
19	Nuh—											
	LIG, MIG-II, HIG-II	..	..	30.77	18.20	12.05	..	0.52	0.52	30.77	..	..
			..	30.77	18.20	12.05	..	0.52	0.52	30.77	..	..
20	Hathin—											
	MIG, HIG, LIG	..	..	16.30	12.86	3.30	..	0.14	0.14	15.30	..	..
			..	16.30	12.86	3.30	..	0.14	0.14	16.30	..	..
21	Rewari—											
	LIG, MIG, HIG	..	..	89.34	83.77	4.72	..	0.85	0.85	89.34	..	..
			..	89.34	83.77	4.72	..	0.85	0.85	89.34	..	..
22	Panchkula Ph-III Sector 19	..	..	..	..	..	..	..	..	..	1.00	1.00
23	Kalka	..	..	..	..	..	..	..	..	..	1.00	1.00
24	Nangal Sodhian	..	..	..	..	..	..	..	..	..	1.00	1.00
25	Ambala City	..	..	..	..	..	..	..	..	..	1.00	1.00
		..	..	2053.32	1541.16	281.29	32.27	142.21	174.48	1996.93	60.39	60.39

ANNEXURE 'C'

EXPENDITURE ON DEVELOPMENT WORKS ON CONTINUED SCHEMES/NEW SCHEMES DURING 1987-88

Serial No.	Name of work/ Scheme	Estimated cost of develop- ment work	Actual Expdt. till 3/86	Actual Expdt. in 1985-86	Actual Expdt. 1-4-86 to 30-6-86	Antici- pated Exp. 1-7-86 to 31-3-87	Total Achieve- ment during 1986-87	Total Achieve- ment till 1986-87	Balance cost (5-11)	Antici- pated for 1987-88
1	2	3	4	5	6	7	8	9	10	11
CONTINUED SCHEMES										
1	HBH Colony Kalka Ph-I	82.47	8.26	7.60	6.60	15.41	22.01	32.87	..	..
2	HBH Colony Nangal Sodhian ..	83.98	..	6.00	0.10	46.23	46.33	52.33	30.00	30.00
3	HBH Colony A/City-II	68.98	..	..	2.90	53.08	55.98	55.98	10.00	10.00
4	HBH Colony Cheeka ..	11.62	..	..	..	5.00	5.00	5.00	6.62	6.62
5	HBH Colony Police Housing SNP. ..	9.86	..	1.00	..	8.86	8.86	9.86	..	..
6	HBH Colony Hissar Ph-III	53.30	..	3.01	..	45.29	45.29	48.30	5.00	5.00
7	HBH Colony Sirsa Ph-II	35.63	..	6.29	..	29.34	29.34	35.63	..	..
8	HBH Colony Police Hsg. Sirsa ..	6.00	..	0.35	..	5.65	5.65	6.00	..	..
9	HBH Colony Narwana	10.00	..	..	..	5.00	5.00	5.00	5.00	5.00
10	HBH Colony Nuh ..	19.39	1.21	6.02	..	12.06	12.06	19.39	..	..
11	HBH Colony Hathin ..	8.28	0.20	2.39	..	5.69	5.69	8.28	..	..
12	HBH Colony Rewari ..	12.69	6.87	2.84	..	2.98	2.98	12.69	..	..
13	HBH Colony Chakarpar (Gurgaon) ..	225.06	..	..	..	33.00	33.00	33.00	192.06	76.50
Total I		347.95	11.54	35.50	9.60	267.29	277.29	324.33	248.68	133.12
II NEW SCHEMES										
1	HBH Colony Anbala City-III ..	49.50	..	..	..	7.50	7.50	37.50	42.00	17.00
2	HBH Colony Pehowa ..	26.79	..	..	..	4.00	4.00	4.00	22.79	9.00
3	HBH Colony Kaithal ..	36.30	..	..	..	5.00	5.00	5.00	31.30	12.50
4	HBH Colony Rozka Meo	36.30	..	..	..	5.00	5.00	5.00	31.30	12.50
5	HBH Colony Palwal ..	56.70	..	..	..	8.00	8.00	8.00	48.70	19.50
6	HBH Colony Jind Ph IV	81.60	..	..	..	12.00	12.00	12.00	69.60	28.00
7	HBH Colony Punhana ..	18.50	..	..	..	3.70	3.70	3.70	14.80	14.80
8	HBH Colony Ferozpur Jhirka ..	19.75	..	..	..	3.95	3.95	3.95	15.80	15.80
Total II		550.50	..	..	..	49.15	49.15	49.15	276.29	129.10
Total I+II		898.45	11.54	25.50	9.60	316.84	326.44	373.48	524.97	262.22

R.S. MAAN,
Commissioner and Secretary to Government, Haryana,
Housing Department.